

SECRETARY OF STATE[721]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code sections 47.1 and 17A.3, the Secretary of State amends Chapter 21, "Election Forms and Instructions," Iowa Administrative Code.

These amendments are necessary due to a technical change made to Iowa's election laws by 2010 Iowa Acts, Senate File 2194, section 31, effective March 10, 2010. In addition, these amendments add a new procedure for precinct election officials to follow when processing an election day registrant in precincts where an electronic program is not used to verify whether an election day registrant is a potential match to an individual listed on the statewide list of felons.

Pursuant to Iowa Code section 17A.4(3), the Secretary of State finds that notice and public participation are unnecessary because these amendments are needed before the June 8, 2010, primary election or are required due to changes in the law effective March 10, 2010.

Pursuant to Iowa Code section 17A.5(2)"b"(2), the Secretary of State further finds that the normal effective date of this amendments, 35 days after publication, should be waived and these amendments made effective upon filing. The normal effective date should be waived because the changes are either necessary before the June 8, 2010, primary election or are required by 2010 Iowa Acts, Senate File 2194. These amendments confer a benefit upon the voting public by ensuring election day registrants are notified of the required voter registration qualifications and by conforming the rules in Chapter 21 to 2010 Iowa Acts, Senate File 2194.

These amendments are also published herein under Notice of Intended Action as **ARC 8778B** to allow for public comment.

These amendments are intended to implement Iowa Code chapters 48A and 53 as amended by 2010 Iowa Acts, Senate File 2194.

These amendments became effective May 7, 2010.

The following amendments are adopted.

ITEM 1. Adopt the following new subrule 21.7(4):

21.7(4) In precincts where an electronic program is not used to check the name of an election day registrant against the statewide list of felons who have had their right to vote revoked, precinct election officials shall provide each election day registrant with a "Notice to Election Day Registrants" prepared by the state commissioner before allowing the voter to register and vote on election day. The "Notice to Election Day Registrants" prepared by the state commissioner will be posted on the state commissioner's Web site.

ITEM 2. Amend paragraph **21.320(2)"g,"** introductory paragraph, as follows:

g. Requests for absentee ballots for a period of two general elections through the end of the calendar year. 2009 Iowa Code Supplement section 53.40 as amended by 2009 2010 Iowa Acts, House File 475 Senate File 2194, permits UOCAVA voters to request the commissioner to send absentee ballots for all elections as permitted by state law. In response to an absentee ballot request in which the UOCAVA voter specifies that the voter wants to receive requests ballots for all elections, the commissioner shall send the applicant a ballot for each election held after the application request is received and through the next two general elections through the end of the calendar year in which the request is received. If the voter applicant does not specify that the voter wants to receive request ballots for all elections or does not specify which elections the request is for, the commissioner shall send the applicant a ballot only for federal elections through the next two general elections end of the calendar year in which the request is received.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/2/10.